

**TITLE 14. Fish and Game Commission**  
**Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission, pursuant to the authority vested by sections 200, 203 and 2355 of the Fish and Game Code and to implement, interpret or make specific sections 200, 203 and 2355 of said Code, proposes to amend section 601, Title 14, California Code of Regulations, Re: Restriction of Importation of Hunter-Harvested Deer and Elk Carcasses

**Informative Digest/Policy Statement Overview**

This proposed regulatory action is to add a regulation that would prevent the spreading of Chronic Wasting Disease into California's deer and elk herds by banning the importation of hunter-harvested deer and elk carcasses with exception under certain specific conditions.

Specifically, the proposed permanent regulation would permit the importation hunter-harvested deer and elk carcasses if the following conditions are met:

1. Carcass has been boned out or commercially processed and wrapped;
2. Quarters or other cuts of meat with no part of spinal column or head attached;
3. Hides with no heads attached;
4. Clean skull plates with antlers attached;
5. Antlers with no tissue attached;
6. Finished taxidermy heads;
7. Upper canine teeth (buglers, whistlers, ivories).

The Fish and Game Commission, under the provisions of Section 1801, Fish and Game Code, shall encourage the preservation, conservation and maintenance of wildlife resources. Currently there are no provisions of law established to monitor the importation of hunter-harvested deer and elk carcasses for disease. A new section filed September 9, 2002 as an emergency expired on January 7, 2003, after the end of deer and elk hunting seasons in the western states. It was requested by the Department of Fish and Game that the emergency be allowed to expire and additional information would be sought during a new rulemaking process.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisor's Chambers, Administration Building, 2800 W. Burrell, Visalia, CA, on Friday, April 4, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before March 31, 2003, at the address given below, or by fax at 916-653-5040, or by e-mail at [FGC@dfg.ca.gov](mailto:FGC@dfg.ca.gov), but must be received no later than April 4, 2003, at the hearing in Visalia, CA. E-mail comments must include a true name and mailing address of the commenter.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Jon D. Snellstrom at the preceding phone number. John Carlson, Department of Fish and Game, (916) 445-3555 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at [http://www.dfg.ca.gov\\_fg.comm](http://www.dfg.ca.gov_fg.comm)

**Availability of Modified Text**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and

Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

### **Impact of Regulatory Action**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

While the proposal does not eliminate the ability of California's meat-processors or taxidermists to work on imported hunter harvested deer and elk, it does establish restrictions upon which the carcasses may be imported into the State.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State agencies or Costs/Savings in Federal funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

- (h) Effect on Housing Costs: None.

### **Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business.

### **Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

John M. Duffy  
Assistant Executive Director

Date: February 4, 2003